

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FUBOTV INC., et al.,

Plaintiffs,

-against-

THE WALT DISNEY COMPANY, et al.,

Defendants.

24-CV-01363 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

On August 23, 2024, in response to the Court's Order at Dkt. No. 292, the parties jointly submitted to the Court proposed redacted versions of (i) transcripts from the preliminary injunction hearing held in this matter from August 6 to 12, 2024 (the "Hearing"); (ii) designated deposition testimony transcripts; and (iii) the parties' respective opening and closing demonstratives. The parties also submitted an updated list of all exhibits admitted into evidence during the Hearing that indicates the exhibits the parties propose to remain under seal.

The documents and portions of documents the parties jointly request to be kept under seal and in redacted form contain highly commercially sensitive and confidential business information, including, for example, confidential terms of competitively sensitive contracts and the internal financial data of the litigants or third parties. The request to seal is necessary to protect the highly confidential business information of the parties. Although "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute, and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.").

The Court has examined the documents in question in the context of the Court's knowledge of the parties' businesses gleaned from presiding over this matter and finds that the parties' proposed redactions and requests to seal are sufficiently narrowly tailored to both protect the business interests of the parties as well as provide appropriate public access to judicial documents. The jointly proposed redactions and sealing requests are hereby GRANTED.

Attached hereto as **Court Exhibit 2** is a Court Ordered version of the parties' updated exhibit list indicating proposed confidentiality designations of each exhibit admitted into evidence during the Hearing.

Attached hereto as **Court Exhibit 3** is a Court Ordered version of a chart containing the parties' proposed confidentiality redactions to the transcripts of the Hearing.

Attached hereto as **Court Exhibit 4** is a Court Ordered version of a chart containing the parties' proposed confidentiality redactions to the designated deposition transcripts.

Dated: August 26, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge

COURT EXHIBIT 2

SO ORDERED. Dated August 26, 2024.

HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE*fuboTV, Inc., et al. v. The Walt Disney Company, et al.*

Case No.: 24-cv-01363-MMG

Parties' Proposed Confidentiality Redactions of Admitted Exhibits

August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
JX001	Email from G. Schanman to J. Blum re: Video Services Information, with attachment				8/12	Seal
JX002	Email from A. LeCuyer to H. Akhavan re: Programming Deep Dive on 1/5/24, with attachment				8/7	Seal
JX003	Email from J. Lancer to D. Espinosa, et al. re: A debate		Pls.' Obj.: Hearsay		8/12	Seal
JX004	Astound Broadband - Global Agreement 1-1-23				8/12	Seal
JX005	First Amendment to Affiliation Agreement between Fox and Cox Communications				8/12	Seal
JX006	DISH-Fox Global Affiliation Agreement				8/12	Seal
JX007	Third Amendment to Affiliation Agreement between Fox and Mediacom				8/12	Seal
JX008	Global Affiliation Agreement between Fox and Verizon				8/12	Seal
JX009	Sixth Amendment to Fox/YT Affiliation Agreement				8/12	Seal
JX010	Email from J. Nallen to M. Biard re: Potential partnership		Pls.' Obj.: Hearsay		8/12	Seal
JX011	Project Raptor OOC Approval Request Deck		Pls.' Obj.: Hearsay		8/12	Seal
JX012	Project Raptor: Future of Paytv and Implications of Flagship and Raptor Deck		Pls.' Obj.: Hearsay		8/12	Seal
JX013	Email from J. Lancer to K. Menzier re: Favor for raptor, with attachments		Pls.' Obj.: Hearsay		8/12	Seal
JX014	Email from J. Nallen to J. Lancer re: Project Raptor: OOC Approval Request [Approval Requested], with attachment		Pls.' Obj.: Hearsay		8/7	Seal

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
JX015	Venu Deck		Pls.' Obj.: Hearsay		8/12	Seal
JX016	Declaration of Alberto Horihuela in Support of PI Motion		Defs.' Obj: 802		8/12	Seal
JX017	Digital MVPD Affiliation License Agreement between TWDC and Fubo				8/12	Seal
JX018	Defendant Channel List Excel				8/12	Seal
JX019	Full Channel List 04012024 Excel				8/12	
JX020	Percentage Hours by Channel Excel				8/7	Seal
JX021	Email from S. Miller to T. Mathers re: Renewal		Defs.' Obj.: 802, 805		8/6	
JX022	JV Impact Excel Spreadsheet				8/12	Seal
JX023	Fubo Estimated Impact of JV on NA Streaming Business (2024 & 2025) Deck				8/8	Seal
JX024	Email from T. Mathers to L. Morrissey, et al. re: Disney Discussion Topics		Pls.' Obj.: Hearsay		8/6	Seal
JX025	Email from T. Mathers to L. Morrissey, et al. re: Revised Disney draft, with attachments		Pls.' Obj.: 602 Defs.' Obj.: 802		8/12	Seal
JX026	Email from T. Mathers to L. Morrissey, et al. re: Revised Disney Agreement, with attachments		Pls.' Obj.: 602		8/6	Seal
JX027	Consumer Receptivity to New Sports Bundling Services		Defs.' Obj: 802		8/8	
JX028	Updated JV Baseline Excel				8/8	Seal

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JX029	OM 2024_Budget Media 0131_20240618				8/12	Seal
JX030	Percent first views by Network Excel Spreadsheet				8/12	Seal
JX031	FUBO OM 2024_Budget Media 0131 JV Excel		Defs.' Obj: 802		8/12	Seal
JX032	Fubo Subscriber Comparison Excel				8/12	Seal
JX033	Email from D. Pietrycha to C. Kohl and A. Izaguirre re: Sports JV, with attachment		Pls.' Obj.: Hearsay Defs. Obj.: 602, 802		8/12	Seal
JX034	Email from A. Matts to D. Pietrycha re: Sports JV Subscriber Impact - CDG, with attachments		Pls.' Obj.: Hearsay		8/12	Seal
JX035	Email from J. Zasowski to S. Breen re: In-Person - LRP/AOP and Distribution Strategy Discussion, with attachment	Pls.' Obj.: 901/902	Pls.' Obj.: Hearsay		8/12	Seal
JX036	Email from S. Flood to S. Breen, et al. re: Fubo 6.30 Proposed Executive Summary, with attachment		Pls.' Obj.: Hearsay		8/12	Seal
JX037	Email from R. Thapar to S. Breen re: can you send me the finished doc we were just reviewing, with attachment		Pls.' Obj.: Hearsay		8/12	Seal
JX038	Email from J. Connolly to C. LaPlaca re: Charter IR deck, with attachment		Pls.' Obj.: Hearsay		8/12	Seal
JX039	Email from S. Breen to J. Connolly re: Fubo 7/21 Proposal Summary, with attachment		Pls.' Obj.: Hearsay		8/12	Seal
JX040	Email from S. Breen to J. Connolly re: Fubo Deal Announcement- Executive Summary, with attachment		Pls.' Obj.: Hearsay		8/12	Seal
JX041	Email from J. Connolly to J. Landgraf re: notes, with attachments		Pls.' Obj.: Hearsay		8/12	Seal
JX042	Email from J. Earley to A. Bergman, et al. re: Hulu Live + TV Carriage, with attachment		Pls.' Obj.: Hearsay, 602		8/12	Seal

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
JX043	Non-Binding Term Sheet				8/12	Seal
JX044	Flagship DTC Update Slide Deck				8/7	Seal
JX045	Joint Venture Term Sheet				8/7	Seal
JX046	ESPN 5-Year Plan - Corporate Preview Deck				8/7	Seal
JX047	Master MVPD License Agreement between TWDC and Altice				8/12	Seal
JX048	Master MVPD License Agreement between TWDC and Charter				8/12	Seal
JX049	Primary MVPD License Agreement between TWDC and Comcast				8/12	Seal
JX050	Master MVPD License Agreement between TWDC and Cox				8/12	Seal
JX051	Digital MVPD Affiliation License Agreement between TWDC and DirecTV				8/12	Seal
JX052	Digital MVPD Affiliation License Agreement between TWDC and Fubo				8/8	Seal
JX053	Digital MVPD Affiliation License Agreement between TWDC and Hulu				8/12	Seal
JX054	Master MVPD License Agreement between TWDC and Mediacom				8/12	Seal
JX055	Digital Affiliation License Agreement between TWDC and Google				8/12	Seal
JX056	Email from K. Shirley to J. Perrette, et al. re: Project Zenith: Initial research findings, with attachment		Pls.' Obj.: Hearsay		8/9	Seal

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
JX057	Domestic Distribution & Ad Sales Deck		Pls.' Obj.: Hearsay		8/12	Seal
JX058	Raptor Slide Deck		Pls.' Obj.: Hearsay		8/9	Seal
JX059	Project Raptor Overview Slide Deck		Pls.' Obj.: Hearsay		8/9	Seal
JX060	Warner Bros. Discovery - Board Update: Streaming Deck		Pls.' Obj.: Hearsay		8/12	Seal
JX061	The Walt Disney Company Q1 FY24 Earnings Conference Call		Pls.' Obj.: Hearsay		8/12	
JX062	Fubo Annual Report, 2022				8/6	
JX063	Fubo 2023 Annual Report				8/12	
JX064	Declaration of Anthony Petitti in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction		Pls.' Obj.: 802, 805		8/9	
JX065	Renewal Agreement				8/12	Seal
JX066	OTT Distribution Agreement				8/12	Seal
JX067	OTT Distribution Agreement				8/7	Seal
JX068	Renewal Agreement				8/7	Seal
JX069	Affiliate Agreement between fuboTV Inc. and Turner Network Sales, Inc.				8/12	Seal
JX070	Affiliate Agreement between fuboTV Inc. and Turner Network Sales, Inc.				8/9	Seal

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX001	DirecTV Slides titled: DirecTV Services, JV Channel Bundling Requirements, JV Channel Packaging Requirements on OTT, JV Channel Minimum Penetration and Required Packages on OTT, JV Partner Channels in Current DirecTV Packages Bundling + Packaging + Minimum Penetrations	901	602; 802			
PX002	DirecTV Slides titled: DirecTV Packaging "Then" and "Now," Programmers Dictate Packaging Uniformity, Multipronged Restrictions Perpetuate Oversize Bundles, Competitive Packaging Comparison, Evolution of OTT Packaging Constraints, Competitive Landscape	901	602; 802			
PX003	CX&Research, "Inflow/Outflow Research April Results" presentation (May 2024)	901	602; 802; 805			
PX004	CX&Research, "Inflow/Outflow Research January Results" presentation (Feb. 2024)	901	602; 802; 805			
PX005	CX&Research, "Inflow/Outflow Research March Results" presentation (Apr. 2024)	901	602; 802; 805			
PX006	EchoStar Viewership Analysis & Excess Cost Calculation (Apr. 17, 2024)		602; 1006			
PX007	DISH, "Disney-FOX-WBD JV" presentation (Feb. 28, 2024)					
PX008	Email from A. LeCuyer to G. Schanman et al. re. talking points for potential conversation with Bruce					
PX009	Email from M. Oria to G. Schanman et al. re. Programming Update: DEMN/Fox/WBD Sports JV					
PX010	Email from J. Rosengard Hill to G. Schanman re. Impact of New Sports Streaming Service		802			
PX011	Email from G. Schanman to H. Akhavan et al. re. Pending sports offering from programmers - to be announced on 2/6					
PX012	Email from M. Cyran to B. Tauber et al. re. NFL Update					
PX013	Email from T. Wise to A. Ahmed et al. re. Video Services Weekly Staff Meeting		Imaging problem at ECHO0003181-3182			
PX014	Email from J. Lancer to S. Tomsic re. Call with SVR		602			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX015	Email from J. Nallen to J. Lancer et al. re. Marketing for Raptor		106		8/7	Seal
PX016	Email from D. Espinosa to J. Lancer et al. re. Project Raptor - Preliminary IR / RP Q&A				8/12	Seal
PX017	Email from J. Nallen to D. Espinosa et al. re. Final Press Release		106			
PX018	Email from D. Espinosa to D. Wong et al. re. Project Raptor Fubo Seasonality				8/12	Seal
PX019	Email from P. Cheesbrough to J. Nallen et al. re. Raptor / Fox Sports				8/12	Seal
PX020	Email from J. Nallen to S. Tomsic et al. re. Raptor Business Plan November 13 vSent				8/12	Seal
PX021	Email from J. Nallen re. Raptor CEO Bonus Proposal					
PX022	Email from P. Cheesbrough to J. Nallen					
PX023	Email from P. Cheesbrough to J. Nallen et al. re. Zenith readout					
PX024	Email to S. Tomsic et al. re. A debate				8/7	Seal
PX025	Email from D. Espinosa to J. Lancer et al. re. Project Raptor - Preliminary IR / RP Q&A					
PX026	Email from D. Espinosa to J. Fang et al. re. Project Raptor - INTERNAL Talking Points				8/9	Seal
PX027	Email from P. Cheesbrough to J. Nallen et al. re. Fubo TV Deck					
PX028	Email from J. Lancer to T. Najera et al. re. Raptor		106		8/12	Seal

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX029	Email from J. Nallen to B. Nick et al. re. Deadline: ESPN is "A Great Product", Fox Corp. CFO Steve Tomsic Says, But It's Only "A Sliver of Sports" Given Fragmentation In U.S. Market		805			
PX030	Affiliation Agreement between Fox Cable Network Services, LLC and CSC Holdings, LLC (Oct. 1, 2014)					
PX031	Amendment to Fox News Channel & Fox Business Network Affiliation Agreements between Fox News Network, L.L.C. and CSC Holdings, LLC (Oct. 1, 2014)					
PX032	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and Grande Communications Networks, LLC (Jan. 1, 2020)					
PX033	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and RCN Telecom Services, LLC (Jan. 1, 2020)					
PX034	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and Wave Division Holdings, LLC (Jan. 1, 2020)					
PX035	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and Spectrum Management Holding Company LLC (Oct. 16, 2019)					
PX036	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and Cox Communications, Inc. (Oct. 1, 2019)					
PX037	Amended and Restated Affiliation Agreement between Fox Cable Network Services, LLC and Hulu (Dec. 20, 2019)					
PX038	Affiliation Agreement between Fox Cable Network Services, LLC, Fox Television Holdings, Inc. and Mediacom LLC, Mediacom Broadband LLC (Apr. 1, 2014)					
PX039	First Amendment to Affiliation Agreement between Fox Cable Network Services, LLC, Fox Television Holdings, Inc. and Mediacom LLC, Mediacom Broadband LLC (Apr. 1, 2018)					
PX040	Second Amendment to Affiliation Agreement between Fox Cable Network Services, LLC, Fox Television Holdings, Inc. and Mediacom LLC, Mediacom Broadband LLC (Oct. 30, 2019)					
PX041	Global Master Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C and National Cable Television Cooperative, Inc. (Jan. 1, 2020)					
PX042	Amendment No. 1 to Affiliation Agreement between Fox Cable Network Service, LLC and Verizon Corporate Services Group, Inc. (Jan. 1, 2016)					

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PX043	Amendment No. 2 to the Affiliation Agreement between Fox Cable Network Services, LLC, Fox Television Holdings, LLC and Verizon Corporate Services Group, Inc. (Aug. 1, 2019)					
PX044	Amendment No. 3 to the Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, L.L.C., Fox Television Holdings, LLC and Verizon Corporate Services Group, Inc. (Aug. 1, 2022)					
PX045	Second Amendment to Fox/YT Affiliation Agreement between Fox News Network, L.L.C., Fox Television Holdings, LLC, Fox Cable Networks Services, LLC, and Google Inc. (July 30, 2018)					
PX046	Affiliation Agreement between Fox Cable Network Services, LLC, Fox News Network, LLC, and Fox Television Holdings, LLC and Google Inc. (Dec. 17, 2016)					
PX047	Third Amendment to Fox/YT Affiliation Agreement between Fox News Network, L.L.C., Fox Television Holdings, LLC, Fox Cable Networks Services, LLC, and Google LLC (Nov. 30, 2018)					
PX048	Fourth Amendment to Fox/YT Affiliation Agreement between Fox News Network, L.L.C., Fox Television Holdings, LLC, Fox Cable Networks Services, LLC, and Google LLC (Aug. 30, 2019)					
PX049	Fifth Amendment to Fox/YT Affiliation Agreement between Fox News Network, L.L.C., Fox Television Holdings, LLC, Fox Cable Networks Services, LLC, and Google LLC (June 10, 2021)					
PX050	Email from D. Wong to R. Gottlieb et al. re. Raptor Research				8/9	Seal
PX051	Email from J. Nallen to L. Murdoch re. Talking points for Iger/Zaslav next week					
PX052	Email to S. Tomsic et al. re. Raptor call		106		8/7	Seal
PX053	Email to J. Lancer et al. re. Raptor call		106		8/7	Seal
PX054	Email from J. Nallen to D. Espinosa et al. re. Raptor Covered Distributor					
PX055	Email from J. Lancer to A. Reiss et al. re. Raptor - Kicker Arguments				8/12	Seal
PX056	Email from L. Murdoch to J. Nallen et al. re. Directv					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX057	Email from M. Mulvihill to E. Shanks re. FOX-ESPN Consumption		602			
PX058	Email from E. Shanks to J. Lancer et al. re. Branding deck					
PX059	CY 2023 Telecast Counts on Nielsen Nationally Measured Entities (May 8, 2024)		602		8/9	Seal
PX060	Direct Message between A. Croxson, J. Lancer, and M. Park		602; 802			
PX061	Direct Message between D. Wong and B. O'Neal		602; 802			
PX062	Direct Message between BJ Elias and D. Espinosa					
PX063	Email from J. Lancer to T. Najera et al. re. copy for the drive				8/12	Seal
PX064	Email from E. Shanks to J. Lancer et al. re. Branding deck				8/12	Seal
PX065	Email from T. Najera to A. Reiss et al. re. Project Raptor Overview Materials				8/12	Seal
PX066	Email from J. Lancer to A. Reiss et al. re. Raptor - Kicker Arguments				8/12	Seal
PX067	Email from J. Nallen to J. Lancer et al. re. Project Raptor: OOC Approval Request [Approval Requested]				8/12	Seal
PX068	Email from P. Cheesbrough to L. Murdoch et al. re. Zenith Research Headlines and Deck				8/12	Seal
PX069	Employment Agreement between Fox Cable Network Services, LLC and Pete Distad (March 15, 2024)		602		8/12	Seal
PX070	Email from D. Espinosa to A. Reiss re. Raptor proposed Hulu distribution		106			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX071	Email to B. Nick et al. re. Raptor release		106			
PX072	Email from J. Lutzky to D. Espinosa et al. re. Updated Budget Presentation					
PX073	Email from C. Lebowitz to D. Espinosa et al. re. Risks & Opportunities Budget Slide					
PX074	Email from M. Mulvihill to E. Shanks re. Project Raptor Preliminary Governance + Structural Considerations		602			
PX075	Fox, "Project Raptor OOC Approval Request" presentation (Jan. 2024)					
PX076	Fox, "Project Raptor OOC Approval Request" presentation (Jan. 2024)					
PX077	Email from P. Cheesbrough to L. Murdoch et al. re. Summary of Raptor Plan and Risks					
PX078	Email from S. Tomsic to L. Murdoch et al. re. Board Slides					
PX079	Email from S. Tomsic to J. Nallen re. Raptor				8/7	Seal
PX080	Email from S. Tomsic to L. Murdoch et al. re. Board Slides					
PX081	Message forwarding Fox MMM Materials (July 24, 2023)				8/7	Seal
PX082	Email from J. Lancer to J. Nallen et al. re. Raptor Model Discussion					
PX083	Email from J. Lancer to J. Nallen et al. re. Raptor Release					
PX084	Email from G. Brown to L. Murdoch et al. re. Q2 Fiscal 2024 Executive Pack					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX085	Email from J. Lancer to J. Nallen et al. re. Raptor Strategic Considerations					
PX086	Email from M. Mulvihill to P. Distad re. 2023 Sports Consumption Summary				8/9	Seal
PX087	Consumption summary FOX-Disney-Turner				8/12	Seal
PX088	Venu presentation (July 1, 2024)				8/12	Seal
PX089	Venu, "Venu Marketing Launch Strategy" presentation (July 15, 2024)		602		8/9	Seal
PX090	Venu advertisement (July 19, 2024)		106; 602			
PX091	BA Viewership Pulls for Legal - Privileged and Confidential (Exhibit 9 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)		602			
PX092	Digital MVPD Affiliation License Agreement between FuboTV Media Inc. and Disney Affiliates (Aug. 1, 2023) (Exhibit 10 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					
PX093	Affiliation Agreement between fuboTV, Inc. and Fox Cable Network Services, LLC and Affiliates (Nov. 15, 2016) (Exhibit 11 to the Expert Declaration of Jonathan Orszag (Part 1) in Support of Fubo's Motion for Preliminary Injunction)		106			
PX094	Fox Corporation, "Fox Corporation Company Conference Presentation," at Morgan Stanley Technology, Media & Telecom Conference (Mar. 4, 2024) (Exhibit 12 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					
PX095	Fox Corporation, "2022 Q1 Earnings Conference Call Transcript" (Nov. 3, 2021) (Exhibit 13 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					
PX096	Warner Bros. Discovery, Inc., "2022 Q3 Earnings Conference Call Transcript" (Nov. 3, 2022) (Exhibit 14 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					
PX097	Fox Corporation, "2024 Q2 Earnings Conference Call Transcript" (Feb. 7, 2024) (Exhibit 15 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					
PX098	Warner Bros. Discovery, Inc., "2023 Q4 Earnings Conference Call Transcript" (Feb. 23, 2024) (Exhibit 16 to the Expert Declaration of Jonathan Orszag in Support of Fubo's Motion for Preliminary Injunction)					

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PX099	Digital MVPD Affiliation License Agreement between fuboTV Media Inc. and Disney Affiliates (Aug. 1, 2023) (Exhibit 10 to the Expert Declaration of James Trautman in Support of Fubo's Motion for Preliminary Injunction)					
PX100	Fubo, "US-English Total Channels Watched" (2023) (Exhibit 11 to the Expert Declaration of James Trautman in Support of Fubo's Motion for Preliminary Injunction)					
PX101	Second Amendment to Affiliation Agreement between fuboTV Media, Inc. and Fox Affiliates (Dec. 1, 2021) (Exhibit 17 to the Expert Declaration of James Trautman in Support of Fubo's Motion for Preliminary Injunction)					
PX102	Declaration of David Gandler in Support of Fubo's Motion for Preliminary Injunction (Apr. 8, 2024)				8/6	Seal
PX103	Declaration of Jon Janedis in Support of Fubo's Motion for Preliminary Injunction (Apr. 8, 2024)					
PX104	Fubo, "Summary: Estimated Impact of JV on Streaming Business" (Apr. 3, 2024) (Exhibit 1 to the Declaration of Jon Janedis in Support of Fubo's Motion for Preliminary Injunction)				8/8	Seal
PX105	Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction (Apr. 8, 2024)		802; 805			
PX106	Digital MVPD Affiliation License Agreement between fuboTV Inc. and Disney Affiliates (Aug. 1, 2023) (Exhibit 2 to the Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction)					
PX107	Affiliation Agreement between fuboTV Inc. and Fox Affiliates (Nov. 15, 2016), Part 1 of 3 (Exhibit 3 to the Declaration of Todd Mathers (Part 1) in Support of Fubo's Motion for Preliminary Injunction)					
PX108	Affiliation Agreement between fuboTV Inc. and Fox Affiliates (Nov. 15, 2016), Part 2 of 3 (Exhibit 3 to the Declaration of Todd Mathers (Part 2) in Support of Fubo's Motion for Preliminary Injunction)					
PX109	Affiliation Agreement between fuboTV Inc. and Fox Affiliates (Nov. 15, 2016), Part 3 of 3 (Exhibit 3 to the Declaration of Todd Mathers (Part 3) in Support of Fubo's Motion for Preliminary Injunction)					
PX110	Amendment to Affiliation Agreement between fuboTV, Inc. and Fox Affiliates (Dec. 31, 2019) (Exhibit 4 to the Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction)					
PX111	Second Amendment to Affiliation Agreement between fuboTV Media, Inc. (fuboTV, Inc. affiliate) and Fox Affiliates (Dec. 1, 2021) (Exhibit 5 to the Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction)					
PX112	Intentionally Omitted					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX113	Intentionally Omitted					
PX114	Email from T. Mathers to S. Miller re. Renewal (Exhibit 8 to the Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction)		106; 802; 805			
PX115	Email from S. Flood to T. Mathers et al. re. Revised Disney draft (Exhibit 9 to the Declaration of Todd Mathers in Support of Fubo's Motion for Preliminary Injunction)		106; 802			
PX116	Declaration of Gary Schanman in Support of Fubo's Motion for Preliminary Injunction (Apr. 5, 2024)				8/7	Seal
PX117	Declaration of Robert Thun in Support of Fubo's Motion for Preliminary Injunction (Apr. 5, 2024)		602; 802			
PX118	Fubo, "2024 Global Stream Budget Review" presentation (Jan. 31, 2024)					
PX119	fuboTV Inc. "Action by Unanimous Written Consent of the Board of Directors" (Feb. 7, 2024)		401/402			
PX120	Fubo Subscriber Margins (US English)					
PX121	Aluma Insights, "Aluma: The New Disney-Fox-WBD Sports Bundle Could Put a Dent in Pay-TV Subscriptions" (2024)		802			
PX122	Aluma, "Consumer Receptivity to New Sports Bundling Services: ESPN D2C Streaming & the Disney-Fox-WBD Bundle" (Apr. 2024)		602; 802; 805			
PX123	David Satin, "Young Viewers Expected to Flock to Venu Sports in What Could Be Sports Broadcasting Tipping Point," The Streamable (May 29, 2024)		802			
PX124	Email from T. Mathers to A. Horihuela re. Connecting		802			
PX125	Email from T. Mathers to P. O'Connell et al. re. New rights		802; 805			
PX126	Email from J. Sweetwood to S. Marchesano et al. re. Updated Overview Deck		802			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX127	Email from S. Breen to T. Mathers re. renewal					
PX128	Email from T. Mathers to L. Morrissey et al. re. New rights		802; 805			
PX129	Email from A. Padte to J. Janedis re. Bridge to Profitability / Operational Metrics - Draft for review					
PX130	Renewal Agreement between fuboTV Media Inc. and Warner Bros. Discovery affiliates (Jan. 1, 2022)					
PX131	Email from T. Mathers to P. O'Connell et al. re. Disney open issues list				8/6	Seal
PX132	Email from P. O'Connell to T. Mathers et al. re. Disney open issues list					
PX133	Email from T. Mathers to E. Hunter et al. re. Disney open issues list					
PX134	Email from S. Flood to T. Mathers et al. re. Revised Disney draft		106; 802		8/6	Seal
PX135	Email from S. Flood to T. Mathers et al. re. Revised Disney Agreement		106		8/6	Seal
PX136	Email from P. O'Connell to T. Mathers et al. re. Disney Discussion Topics					
PX137	Email from T. Mathers to S. Miller re. Renewal		106; 802; 805			
PX138	Email from A. Sternberg to Fubo General Assembly re. Post Q3 Analyst Feedback and Reports Published		602; 802; 805		8/12	Seal
PX139	Affiliation Agreement between Fox Cable Network Services, Fox News Network, LLC, Fox Television Holdings, and fuboTV, Inc. (Nov. 15, 2016)					
PX140	First Amendment to Affiliate Agreement between Turner Network Sales, Inc. and fuboTV Inc. (Dec. 21, 2018)					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX141	Marketing Finance Monthly Model					
PX142	First Views by Network spreadsheet					
PX143	Percent First Views by Network					
PX144	Email from J. Connolly to D. Fox re. Zoom: Justin Connolly (Disney) <> David Gandler (Fubo)					
PX145	Email from M. Maggs to D. Gandler re. DG Tomorrow - Thursday, January 25					
PX146	Email from J. Braccino to M. Anoshin re. Avg rev per employee		802			
PX147	2023 Conversions by campaign type Google Paid Ads				8/12	Seal
PX148	First Views by Network					
PX149	The Fubo Subscriber		802			
PX150	Fubo Demographics (US)		802			
PX151	First Views by Station Genre and First Views by Station Genre (%)		802			
PX152	Survey responses spreadsheet		802		8/12	
PX153	What streaming services do you pay for?		802			
PX154	Trial First Views - Last 12M				8/12	Seal

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PX155	Retention Curves by Year - Updated thru May 2024 (US English)					
PX156	Response summary: prior to subscribing to Fubo were you a cable customer and were you ever a cable customer		802			
PX157	Sub Projections and Real Subs					
PX158	YOY Fubo Churned Customers SOW by Competitor		602			
PX159	fubo Ad Index February 2024					
PX160	Fubo - Custom Insight 2023 Complete Data					
PX161	fubo + Cardlytics: Dec. '23 - Feb. '24 Campaign Performance Review, Q1 Ad Index Refresh & Insights Timeline		602			
PX162	Latino + Ultimate Package Customer Insights		602			
PX163	Cancelation reasons spreadsheet		802			
PX164	Responses spreadsheet		802			
PX165	Responses spreadsheet		802			
PX166	Please tell us why you decided to end your fuboTV subscription		802			
PX167	Please tell us why you decided to end your fuboTV subscription		802			
PX168	FUBO OM 2024 Budget Media JV low		802			

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PX169	Hours by station					
PX170	ABC Broadcast Programs Mapped to Primary Genre Group (7/1/23-6/30/24)				8/12	
PX171	Conversion % by Primary Genre First View					
PX172	Fox Broadcast Programs Mapped to Primary Genre Group (7/1/23-6/30/24)				8/12	
PX173	Sports FV by Station				8/12	Seal
PX174	New Subs by Trial Type - US English Plans					
PX175	Email from J. Glassel to D. Gandler et al. re. FOX Sports/FuboTV: potential partnership		FRCP 37(c)			
PX176	Email from D. Gandler to S. Brennan et al. re. FuboTV: Thank you		FRCP 37(c)		8/6	
PX177	Email from J. Glassel to D. Gandler et al. re. In LA 28th-30th		FRCP 37(c)			
PX178	Email from J. Fang to D. Gandler re. Fubo		FRCP 37(c)		8/6	Seal
PX179	Sum of longest views		602		8/12	Seal
PX180	Raw Search Campaign Data		602			
PX181	September 2023 Broadcaster Report (English Plans Only - Non-Brand Only - No Latino/Canada Campaigns)		602			
PX182	Email from B. Grad to P. O'Connell re. SEMN / fubo proposal				8/7	Seal

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PX183	Email from S. Flood to B. Grad et al. re. Updated Proposal 3-13-18				8/7	Seal
PX184	FuboTV DMVPD Service Proposal draft					
PX185	Response Summary: prior to subscribing to Fubo were you a cable customer and Were you ever a cable customer		602; 802			
PX186	Responses spreadsheet		602; 802			
PX187	Affiliate Agreement between Turner Network Sales, Inc. and fuboTV Inc. (Aug. 17, 2018)					
PX188	Email from P. O'Connell to B. Grad et al. re. FuboTV (FXNG Networks) Term Sheet 11/22/1					
PX189	Amendment to Affiliation Agreement between Fox Cable Network Services, Fox News Network, LLC, Fox Television Holdings, and fuboTV, Inc. (Dec. 31, 2019)		FRCP 37(c)			
PX190	Digital MVPD Affiliation License Agreement between fuboTV Inc. and Disney Affiliates (June 24, 2020)				8/12	Seal
PX191	Second Amendment to Affiliation Agreement between Fox Cable Network Services, Fox News Network, LLC, Fox Television Holdings, LLC and fuboTV, Inc. (Dec. 1, 2021)		FRCP 37(c)		8/12	Seal
PX192	Digital MVPD Affiliation License Agreement between fuboTV Media Inc. and Disney Affiliates (Aug. 1, 2023)				8/6	Seal
PX193	Rate By Channel - 2024 FUBO versus Defendants "Kagan + 30%" Modeled Rate		602; 802			
PX194	Orszag New Exhibit		106; 602; 802			
PX195	Responses spreadsheet		602; 802			
PX196	Response Summary: Aside from Fubo, how many streaming services do you use?		602; 802			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX197	Response Summary: What streaming services do you pay for?		602; 802			
PX198	Response Summary: What other streaming services do you currently use that you don't pay for but have access to?		602; 802			
PX199	Response Summary: What about Fubo appeals to you most?		602; 802			
PX200	Response Summary: In addition to your Fubo subscriptions, do you subscribe to any other cable or satellite tv services? and If yes, which one?		602; 802			
PX201	2022 - 1Q24 Content Expense & Viewership for US-Eng-Base		602			
PX202	ESPN - Fox News - FX Channel Ad Revenue per Hour Viewed		602			
PX203	Trials and Top Shows - 10 Minute Intervals		602		8/12	Seal
PX204	Horowitz, State of Media, Entertainment, and Tech Volume II: Viewing Behaviors 2024 Edition		802		8/8	
PX205	Google slide titled: "NewCo JV will contain all providers' premier sports networks and is expected to cost \$40-50 /month; publicly stated launch: Aug '24"	901	106; 602; 802			
PX206	Google presentation titled: "NewCo JV - YT workstreams"	901	106; 602; 802			
PX207	Google staff L. Conkling et al., "Disney/WBD/Fox Sports Streaming Announcement Briefing"	901	602; 802			
PX208	Google staff A. Shorey & A. Newman, "Implications for Google: ESPN (Disney), Warner Bros. Discovery and Fox JV Streaming-Sports Service," (Apr. 30, 2024)	901	602; 802			
PX209	Email from S. Mannapperuma to C. Orski et al. re. Deck for CFO Meeting - February 8, 2024		602; 802			
PX210	Email from D. Pietrycha to M. Schnaars et al. re. Sports JV		602; 802			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX211	Email from C. Kohl to D. Arya et al. re. Sports Rights Contribution Analysis		602; 802		8/8	Seal
PX212	Email from C. Kilgore to A. Kini et al. re. Might be obvious		602; 802			
PX213	Email from D. Arya to C. Kilgore et al. re. 2 quick turn-around items		602; 802			
PX214	Email from M. Valkosky to A. Kini et al. re. Update on GRP Dataset		602; 802			
PX215	Email from S. Beltrame to D. DAmico et al.		602; 802			
PX216	Email from A. Kini to M. Valkosky et al. re. Ask for some Sports customer data		602; 802		8/9	Seal
PX217	Email from S. Beltrame to D. Arya et al. re. Sports JV - Pay TV TAM Draft		602; 802			
PX218	Email from D. DAmico to D. Arya et al. re. Sports JV - Pay TV TAM		602; 802			
PX219	Email from J. Zasowski to J. Connolly et al. re. Verizon tech / production services in-kind value		802; 805			
PX220	Email from J. Connolly to S. Breen et al. re. Raptor				8/12	
PX221	Email from S. Flood to S. Breen et al. re. Fubo					
PX222	Email from J. Connolly to S. Breen re. Verizon / Fubo Feedback		802			
PX223	Email from S. Breen to P. O'Connell et al. re. Fubo fully executed					
PX224	Email from J. Connolly to S. Breen et al. re. FY24 LRP PD Exec Assumption Check-in (Affiliate)					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX225	Email from P. Garrison to S. Breen et al. re. Question: Project Raptor Rev Share					
PX226	Email from J. Lee to S. Breen et al. re. ESPN+ Blackout Solution - Content Gating by Provider					
PX227	Email from J. Zasowski to S. Breen et al. re. VZ/DTV Renewal - Point Counterpoint deck					
PX228	Email from P. Garrison to J. Warbrooke et al. re. Raptor Rate Compare					
PX229	Email from J. Connolly to S. Breen et al. re. FY24 LRP Renewals - Verizon, DTV, Google - Latest Materials					
PX230	Email from N. Suh to J. Zasowski et al. re. VZ and DirecTV Renewals					
PX231	Email from R. Blood to S. Breen re. Point Counter Point					
PX232	Email from S. Breen to S. Breen re. FY24 LRP Renewals 040124 10PM ET (4).pptx					
PX233	Email from S. Breen to S. Breen re. FY24 LRP Renewals - Verizon, DTV, Google - Latest Materials					
PX234	Email from S. Breen to S. Breen re. (D)MVPD Renewal -- updated slides					
PX235	Email from C. Aguiar to J. Connolly re. Importance of ESPN nets to a sports-focused streaming service					
PX236	Email from J. Warbrooke to J. Zasowski et al. re. VC: Amazon / Google Strategic Thoughts				8/9	Seal
PX237	Email from R. Langer to J. Connolly re. On sports and ESPN		401/402; 802			
PX238	Email from J. Connolly to B. Magnus et al. re. Fox meeting				8/7	

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PX239	Email from J. Warbrooke to J. Pitaro et al. re. Amazon pres					
PX240	Email from J. Pitaro to J. Pitaro re. First NBA question for panel					
PX241	Email from J. Pitaro to J. Pitaro re. Churn NBA question					
PX242	Email from J. Pitaro to J. Pitaro re. Talking points on Raptor					
PX243	Email from J. Pitaro to R. Ferro et al. re. U.S. Sports Rights Breakdown		403			
PX244	Email from J. Pitaro to C. Aguiar et al. re. Board Approval for Sports Rights Agreements					
PX245	Email from J. Pitaro to C. Aguiar re. Pre-read materials for the February board meeting - ESPN					
PX246	Email from J. Pitaro to C. Aguiar et al. re. Raptor Update		602; 802		8/6	
PX247	Email from J. Pitaro to K. Mayer re. Turner					
PX248	Email from J. Pitaro to A. Quadrani re. Disney: Is a Less Profitable Future Inevitable at ESPN?		802			
PX249	Email from B. Boyle to J. Pitaro et al. re. 2024 5YP Kick-off Meeting - Sports					
PX250	Email from J. Pitaro to J. Pitaro re. My staff					
PX251	Email from C. Aguiar to J. Pitaro re. Raptor					
PX252	Email from J. Pitaro to J. Warbrooke et al. re. raptor					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX253	Email from J. Warbrooke to J. Pitaro et al. re. Raptor / Sports DMVPD update				8/7	Seal
PX254	Email from K. Jacobsen to J. Warbrooke et al. re. VC: Project Raptor - Modeling Follow- Up					
PX255	Email from C. Aguiar to T. Bayus et al. re. Business Model with Falcon Scenarios				8/12	Seal
PX256	Email from J. Pitaro to J. Connolly et al. re. Verizon tech / production services in-kind value		802; 805			
PX257	Email From P. Garrison to J. Warbrooke et al. re. Project Evolution - Latest deck and backup				8/12	Seal
PX258	Email from J. Warbrooke to P. Garrison et al. re. Raptor - Modeling Follow-Up		602			
PX259	Email from S. Breen to J. Warbrooke et al. re. MFN discussion					
PX260	Email from J. Warbrooke to P. Garrison et al re. Raptor Rate Compare					
PX261	ESPN, "ESPN-Fox Pricing Conjoint" presentation (Aug. 2023)		106; 802; 805		8/7	Seal
PX262	License Agreement between DISH Network L.L.C. and Disney Affiliates (Nov. 23, 2022)					
PX263	Email from J. Zasowski to J. Connolly et al. re. ESPN / Fox Compare					
PX264	Email from J. Connolly to D. O'Connell re. Final Raptor Docs					
PX265	Email from K. Lansberry to R. Bay et al. re. Project Evolution Pre-Read materials					
PX266	Email from C. Robertson to H. Johnston et al. re. Earnings Materials		602			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX267	Email from J. Pitaro to R. Bay et al re. PULSE: Media & Entertainment: Disney-Fox-WBD Create New Sports-First Streaming Venture, Product Coming Fall 2024		602; 802			
PX268	Email from J. Pitaro to C. Aguiar re. Roger Goodell Call		401/402; 403; 802		8/7	Seal
PX269	Email from J. Pitaro to R. Bay et al. re. ESPN Board decks				8/7	Seal
PX270	Email from J. Pitaro to C. Aguiar re. Bristol Trip - Agenda and Pre-Reads				8/12	Seal
PX271	Email from J. Warbrooke to J. Pitaro et al. re. NFL follow up					
PX272	The Walt Disney Company, "Board of Directors Strategic Initiatives Briefing" (Feb. 2024)				8/12	Seal
PX273	Email From K. Uhrle to J. Kepenstein et al. re. Project Evolution - Key next steps					
PX274	Email from M. Borrero to J. Warbrooke et al. re. Project Neptune Discussion		106		8/12	Seal
PX275	Email from J. Kepenstein to J. Warbrooke et al. re. Raptor - research				8/12	Seal
PX276	Email from K. Mayer to J. Warbrooke et al. re. 230819 Privileged and Confidential -- Project Evolution Discussion Materials				8/12	Seal
PX277	Email from L. Keiling to C. Aguiar et al. re. FOX					
PX278	Raptor Study Simulator (Aug. 22, 2023)		106; 602			
PX279	Email from P. Garrison to J. Warbrooke et al. re. Raptor Partnership considerations				8/12	Seal
PX280	Disney, "Strategic Initiatives Briefing" presentation (Jan. 18, 2024)					

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PX281	Altman Solon, "Project Zenith Discussion Materials" presentation (Aug. 16, 2023)				8/12	Seal
PX282	Warner Bros. Discovery, "Raptor" presentation (Jan. 31, 2024)					
PX283	Email to C. McAllister et al. re. Project Raptor Business Model Comments					
PX284	Email from J. Walker to C. McAllister et al. re. Raptor pgs for DZ					
PX285	Email from B. Campbell to JB Perrette et al. re. ESPN					
PX286	Email from B. Campbell to J. Nallen et al. re. Please Read: Project Raptor - Remaining Open Term Sheet Issues				8/7	
PX287	Email from B. Campbell to D. Fox re. Raptor: Loss of NBA Rights (Disney Proposal)					
PX288	Email from D. Fox to B. Campbell re. Raptor Noncompete Issue				8/12	
PX289	Joint Venture Term Sheet between Fox Sports Holdings, LLC, WarnerMedia Direct, LLC, and ESPN, Inc. (May 29, 2024)				8/12	Seal
PX290	Email to G. Wiedenfels et al. re. Raptor Materials				8/9	Seal
PX291	Email from D. Fox to J. Warbrooke et al. re. Business Model Overview Pages					
PX292	Email from D. Fox to C. Aguiar re. Business Model with Falcon Scenarios					
PX293	Email to B. Campbell re. fubo					
PX294	Email from S. Miller to M. Diaz et al. re. NBS Follow-Up					

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PX295	Email from K. Clark to S. Miller et al. re. Zenith Project Sync / Distribution					
PX296	Email from B. Bryant to S. Miller et al. re. CNN Business: Live sports is migrating to streaming, taking with it a superpower of the cable TV bundle					
PX297	Email from R. Golomb to D. Barnes et al. re. Raptor					
PX298	Email from K. Clark to S. Miller et al.					
PX299	Email from S. Bergman to S. Miller et al. re. DTV Lunch		401/402			
PX300	Email to S. Miller re. QBR Slides					
PX301	Email from B. Bryant to S. Miller re. Raptor Release timing					
PX302	Email from S. Miller to S. Duncan et al. re. Fubo					
PX303	Email from S. Miller to B. Campbell re. NBA Review: Distribution Follow-Up					
PX304	Email from JB Perrette to B. Campbell et al. re. Confidential: Revised draft Raptor release					
PX305	Email from D. Fox to B. Campbell re. Project Raptor					
PX306	Email from B. Campbell to S. Miller re. fubo					
PX307	Email from S. Miller to B. Campbell re. Fubo - Intel					
PX308	Email from B. Campbell to S. Miller re. Charter - Draft Summary					

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PX309	Email from P. Lee to B. Campbell et al. re. Lachlan said Sports JV business plan is for 5M subs within 5 years					
PX310	Email from B. Campbell to S. Miller et al. re. Renewal				8/9	
PX311	Email from L. Silberwasser to B. Campbell re. Product - Raptor					
PX312	Email from P. Distad to B. Campbell et al. re. Follow-up from this mornings meeting					
PX313	Email from B. Campbell to F. Merchant et al. re. Privileged and Confidential: Pending Announcement Regarding Project Raptor (Sports JV)					
PX314	Email from B. Campbell to S. Miller re. fuboTV					
PX315	Email from D. Fox to B. Campbell et al. re. Raptor Strawman Marketing Commitments					
PX316	Email from S. Miller to B. Campbell re. Next steps					
PX317	Email from S. Miller to B. Campbell re. Fubo 2Q'23 Earnings Summary - 8/4/23					
PX318	Email from B. Campbell to S. Miller re. 1-Pager on Scope/Focus					
PX319	Email from D. Fox to B. Campbell re. Raptor Deck					
PX320	Email from S. Miller to B. Campbell re. Raptor					
PX321	Email from C. McAllister to B. Campbell et al. re. Zenith Research & Financial Impact					
PX322	Email from S. Bisaria to B. Campbell et al. re. BC & GW : Strat Planning/LRP					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX323	Email from C. McAllister to B. Campbell et al. re. Raptor pgs for DZ					
PX324	Warner Bros. Discovery, "Raptor" presentation (Jan. 31, 2024)					
PX325	Warner Bros. Discovery, "WBD Sports - Board of Directors Update" presentation (Aug. 2023)				8/9	Seal
PX326	Affiliate Agreement between WarnerMedia Network Sales, Inc. and Cox Communications (July 21, 2023)		401/402			
PX327	Affiliate Agreement between WarnerMedia Network Sales, Inc. and National Cable Television Cooperative, Inc. (May 1, 2023)		401/402			
PX328	Affiliate Agreement between WarnerMedia Network Sales, Inc. and Hulu, LLC (Dec. 19, 2022)		401/402			
PX329	DMVPD Distribution Agreement between Discovery and Hulu, LLC (Dec. 19, 2022)		401/402			
PX330	DMVPD Distribution Agreement between Scripps and Hulu, LLC (Dec. 19, 2022)		401/402			
PX331	Affiliate Agreement between Scripps Networks, LLC and WarnerMedia Network Sales, Inc. (Dec. 1, 2022)		401/402			
PX332	Affiliation Agreement between Warnermedia Network Sales, Inc. (f.k.a. Turner Network Sales, Inc.) and DISH Network L.L.C. (Nov. 12, 2021)		401/402			
PX333	Affiliate Agreement between WarnerMedia Network Sales, Inc. and DirecTV, LLC (Oct. 9, 2020)		401/402			
PX334	NASDAQ, fuboTV Inc. Common Stock (FUBO) Historical Data (July 22, 2023)				8/12	
PX335	The Walt Disney Company, "2024 Notice of Annual Meeting of Shareholders and Proxy Statement" (Feb. 1, 2024)				8/12	
PX336	The Walt Disney Company, "Q1 FY24 Earnings Conference Call" (Feb. 7, 2024)				8/12	

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PX337	The Walt Disney Company, "3rd Annual MoffettNathanson Media and Communications Summit" (May 18, 2016)				8/9	
PX338	DealBook Summit, "2023 Bob Iger Interview" (Nov. 30, 2023)				8/12	
PX339	Disney Privilege Log (June 21, 2024)		401/402; 602			
PX340	Fox Privilege Log (June 21, 2024)		401/402; 403			
PX341	WBD Privilege Log (June 21, 2024)		401/402; 602			
PX342	Disney Amended Privilege Log (July 12, 2024)		401/402; 602			
PX343	Fox Amended Privilege Log (July 12, 2024)		401/402; 403			
PX344	Fubo Shareholder Letter (May 11, 2021)					
PX345	Fubo Q1 2021 Earnings Webcast (May 12, 2021)		802			
PX346	Fubo Q1 2021 Quarterly Filing (May 13, 2021)					
PX347	Fubo Shareholder Letter (Aug. 10, 2021)					
PX348	Fubo Q2 2021 Quarterly Filing (Aug. 11, 2021)					
PX349	Fubo Press Release, "fuboTV Delivered Recrd \$130.9M Revenue and 681,721 Total Subscribers in Q2 2021; Raises 2021 Guidance" (Aug. 19, 2021)					
PX350	Fubo Q2 2021 Earnings Webcast (Aug. 19, 2021)		802			

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PX351	Fubo Press Release, "fuboTV Reaches One Million Subscribers" (Nov. 9, 2021)					
PX352	Fubo Q3 2021 Earnings Call Transcript (Nov. 9, 2021)		802			
PX353	Fubo Shareholder Letter (Nov. 9, 2021)					
PX354	Fubo Q3 2021 Quarterly Filing (Nov. 10, 2021)					
PX355	Fubo Press Release, "fuboTV Closed Q4 and FY 2021 With Record 1.13 Million Subscribers; Expects to Exceed \$1 Billion Revenue In 2022" (Feb. 23, 2022)					
PX356	Fubo Q4 2021 Earnings Call Transcript (Feb. 23, 2022)					
PX357	Fubo Shareholder Letter (Feb. 23, 2022)				8/12	
PX358	Fubo Q4 2021 Quarterly Filing (Feb. 28, 2022)		802		8/12	
PX359	Fubo 2021 Annual Report (Apr. 27, 2022)				8/12	
PX360	Fubo Press Release, "fuboTV Closed Q1 2022 with \$236.7M Revenue, 1.056 Million Subscribers in North America" (May 5, 2022)					
PX361	Fubo Q1 2022 Earnings Call Transcript (May 5, 2022)		802			
PX362	Fubo Shareholder Letter (May 5, 2022)		805		8/12	
PX363	Fubo Q1 2022 Quarterly Filing (May 9, 2022)				8/12	
PX364	Fubo Press Release, "FuboTV Releases Q2 2022 Financial Results" (Aug. 4, 2022)					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX365	Fubo Q2 2022 Earnings Call Transcript (Aug. 4, 2022)		802			
PX366	Fubo Shareholder Letter (Aug. 4, 2022)				8/12	
PX367	Fubo Q2 2022 Quarterly Filing (Aug. 8, 2022)				8/12	
PX368	Fubo Press Release, "FuboTV Announces Q3 2022 Results; North American Streaming Business Delivered Record High 1,231,000 Subscribers, Exceeded Revenue Forecast" (Nov. 4, 2022)					
PX369	Fubo Q3 2022 Earnings Call Transcript (Nov. 4, 2022)		802			
PX370	Fubo Shareholder Letter (Nov. 4, 2022)		805		8/12	
PX371	Fubo Q3 2022 Quarterly Filing (Nov. 7, 2022)				8/12	
PX372	Fubo Press Release, "FuboTV Delivered Over \$1 Billion in Global Annual Revenue in 2022; Closed Year With \$984 Million in Revenue and 1.445 Million Subscribers in North America" (Feb. 27, 2023)					
PX373	Fubo Q4 2022 Earnings Call Transcript (Feb. 27, 2023)		802			
PX374	Fubo Q4 2022 Quarterly Filing (Feb. 27, 2023)				8/12	
PX375	Fubo Shareholder Letter (Feb. 27, 2023)				8/12	
PX376	Fubo Press Release, "Fubo Exceeded Q1 2023 Guidance for North America With \$316.5 Million Total Revenue and 1.285 Million Paid Subscribers, Raises Full Year 2023 Guidance; Reaffirms Expected 2025 Profitability Timeline" (May 5, 2023)					
PX377	Fubo Q1 2023 Earnings Call Transcript (May 5, 2023)		802			
PX378	Fubo Shareholder Letter (May 5, 2023)				8/12	

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX379	Fubo Q1 2023 Quarterly Filing (May 8, 2023)				8/12	
PX380	Fubo Press Release, "Fubo Delivered \$305 Million Total Revenue in North America in Q2 2023, Achieved Double Digit Year-Over-Year Revenue, Subscriber Growth and Exceeded Guidance" (Aug. 4, 2023)					
PX381	Fubo Q2 2023 Earnings Call Transcript (Aug. 4, 2023)		802			
PX382	Fubo Shareholder Letter (Aug. 4, 2023)				8/12	
PX383	Fubo Q2 2023 Quarterly Filing (Aug. 7, 2023)				8/12	
PX384	Fubo Press Release, "Fubo Exceeded Guidance in Q3 2023 With \$313 Million Total Revenue, up 43% Year-Over-Year, and Record 1.477 Million Paid Subscribers in North America; Raises Full Year 2023 Outlook" (Nov. 3, 2023)					
PX385	Fubo Q3 2023 Earnings Call Transcript (Nov. 3, 2023)		802			
PX386	Fubo Q3 2023 Quarterly Filing (Nov. 3, 2023)				8/12	
PX387	Fubo Shareholder Letter (Nov. 3, 2023)				8/12	
PX388	Fubo Press Release, "Fubo's North American Business Closed Q4 2023 With Record 1.618 Million Paid Subscribers, 29% Year-Over-Year Revenue Growth; Exceeded Guidance Across Key Performance Metrics" (Mar. 1, 2024)					
PX389	Fubo Shareholder Letter (Mar. 1, 2024)				8/12	
PX390	Fubo Q4 2023 Quarterly Filing (Mar. 4, 2024)				8/12	
PX391	Fubo Press Release, "Fubo Exceeded Q1 2024 Guidance in North America, Delivering 1.511M Paid Subscribers, \$394M Total Revenue" (May 3, 2024)					
PX392	Fubo Q1 2024 Quarterly Filing (May 3, 2024)				8/12	

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PX393	Fubo Shareholder Letter (May 3, 2024)				8/12	
PX394	Fubo Transcript of Earnings Call (May 3, 2024)		802			
PX395	PLACEHOLDER Q2 financial statements and/or earnings call transcripts for Fubo		802			
PX396	PLACEHOLDER Q2 financial statements and/or earnings call transcripts for Disney		Objections TBD			
PX397	PLACEHOLDER Q2 financial statements and/or earnings call transcripts for Fox		802			
PX398	PLACEHOLDER Q2 financial statements and/or earnings call transcripts for WBD		106; 602; Further Objections TBD			
PX399	Fox Corporation 2023 Form 10-K					
PX400	WBD Metadata Log Documents Withheld for Common Interest Privilege (July 21, 2024)		401/402			
PX401	Fubo Slide titled: "Other services that Fubo subscribers pay for"	901	FRCP 37(c); 403; 602; 802; 1006		8/12	
PX402	Competitive Impact Statement, <i>United States v. The Walt Disney Company et al.</i> , Case No. 18-cv-5800 (S.D.N.Y. Aug. 7, 2018), ECF No. 21		401/402; 403; 602; 802			
PX403	Michael D. Whinston, GE-Electrolux Merger Analysis (Nov. 23, 2015), PX02015, <i>United States v. AB Electrolux</i> , Case No. 1:15-cv-01039-EGS (D.D.C. Nov. 25, 2015), ECF No. 342-1		401/402; 403; 802			
PX404	CNBC, "Warner Bros. Discovery CEO David Zaslav Talks Sports Streaming Bundle 'Venu,'" (July 10, 2024), https://www.cnbc.com/video/2024/07/10/warner-bros-ceo-david-zaslav-on-sports-streaming-bundle-venue.html		403; 602; 802		8/12	
PX405	Heather Dinich, "TNT Sports to Air Select CFP Games Through Sublicense with ESPN," ESPN (May 22, 2024)		401/402; 602; 802			
PX406	Peacock, Your Go-To for Hit Movies, TV, Live Sports & More, Pick Your Plan webpage, (July 22, 2024), https://www.peacocktv.com/#:~:text=With%20Peacock%20Premium%2C%20you%20can,more%20to%20satisfy%20your%20FOMO		602		8/12	

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX407	Paramount+, A Mountain of Entertainment, Pick Your Plan webpage (July 22, 2024), https://www.paramountplus.com/?intcid=CIA-16-10bah4e		602; 802		8/12	
PX408	Fubo Investor Day 2022 presentation (Aug. 17, 2022)					
PX409	Sling, Programming and Plans webpage (July 23, 2024), https://www.sling.com/programming/sports?msockid=1c1dfa1c05496735043df7d904cb66 f2		802			
PX410	Letter from FuboTV Inc. et al. to Congressional Committees re. future of competition in pay-TV		401/402; 403; 602; 802			
PX411	DOJ Civil Investigative Demand Letter to DISH		401/402; 403; 602; 802			
PX412	Email from J. Nallen to E. Shanks et al. re. Sports DTC - 2 Reports		401/402; 403; 602; 802			
PX413	Email from G. Brown to J. Nallen et al. re. UBS Q&A		401/402; 403; 602; 802		8/7	Seal
PX414	Fox presentation titled: Project Raptor OOC Approval Request		401/402; 403; 602; 802		8/12	Seal
PX415	NFL Network Affiliation Agreement between NFL Enterprises LLC and fuboTV Media Inc. (July 30, 2021)		401/402			
PX416	Email from Dropbox Sign to T. Mathers re. You just signed Sinclair - KJZZ					
PX417	Email from DocuSign to A. Marchesano et al. re. Completed: Complete with DocuSign: beIN-Fubo US Twelfth Amendment (BEIN CLEAN 8.24.2023)					
PX418	Email from Dropbox Sign to T. Mathers re. You just signed MASN - Executive Copy		602; 802; 805			
PX419	Email from T. Mathers to J. Shin re. MSGN/Fubo - fully executed		602; 802; 805			
PX420	Email from T. Mathers to J. Reyna re. KNSN					

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PX421	Email from T. Mathers to J. Reyna re. fubo					
PX422	Email from S. Marchesano to T. Mathers re. MLB Network Agreements		602; 802			
PX423	Email from J. Sweetwood to T. Mathers re. Renewals		106			
PX424	Email from T. Mathers to B. Grad re. Completed: Complete with DocuSign: Fubo - NBA TV and LP 2023 Agreement FINAL		802			
PX425	Email from J. Sweetwood to T. Mathers re. Renewals					
PX426	Content Distribution Agreement between fuboTV Media Inc. and Scripps Media, Inc. (Jan. 24, 2024)		802 (parent email)			
PX427	Email from M. Chin to J. Earley et al. re. DTC 101 for Hugh		802 (parent email)			
PX428	Advertising Revenue		802 (parent email)			
PX429	Email from B. Campbell to J.B. Perrette et al. re. ESPN		802 (parent email)			
PX430	Email from D. Fox to P. Distad re. Raptor					
PX431	"US to scrutinize Disney, Fox, Warner sports streaming deal, Bloomberg Law reports," Reuters (Feb. 16, 2024)		602			
PX432	ACA Press Release, "ACA Connects Statement on the Anticompetitive Sports Streaming Juggernaut" (Feb. 7, 2024)		106; 403; 602; 802			
PX433	Arbitration Agreement, <i>United States v. AT&T Inc., DIRECTV Group Holdings, LLC, and Time Warner Inc.</i> , Case No. 1:17-cv-02511 (D.D.C. Mar. 13, 2018)					
PX434	Comments of the ACA Connects, <i>In the Matter of Fostering Independent and Diverse Sources of Video Programming</i> , MB Docket No. 24-115 (FCC June 6, 2024)		802; 805			

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
PX435	Comments of the American Independent Media, Inc., <i>In the Matter of Fostering Independent and Diverse Sources of Video Programming</i> , MB Docket No. 24-115 (FCC June 6, 2024)		401/402; 403; 602; 802; 805			
PX436	Comments of the American Television Alliance, <i>In the Matter of Fostering Independent and Diverse Sources of Video Programming</i> , MB Docket No. 24-115 (FCC June 6, 2024)		802; 805			
PX437	Competitive Impact Statement, <i>United States v. The Walt Disney Company et al.</i> , Case No. 18-cv-5800 (S.D.N.Y. Aug. 7, 2018)		403; 602; 802; 805			
PX438	Complaint, <i>Turner Broadcasting System, Inc. and Warner Bros. Discovery, Inc. v. National Basketball Association, NBA Ventures, LLC and NBA Properties, Inc.</i> , Index No. 653721/2024 (N.Y. Sup. Ct. July 26, 2024)		602		8/9	
PX439	Complaint, <i>United States v. AT&T Inc., DIRECTV Group Holdings, LLC, and Time Warner Inc.</i> , Case No. 1:17-cv-02511 (D.D.C. Nov. 20, 2017)		602			
PX440	Complaint, <i>United States v. The Walt Disney Company et al.</i> , Case No. 18-cv-5800 (S.D.N.Y. June 27, 2018)		403; 602; 802; 805		8/9	
PX441	Dan Weil, "ESPN Streaming Channel May Be coming, but It Won't be Cheap," The Street (May 23, 2023)		802; 805			
PX442	David Halberstam, "In a changing world, TV experts Ed Desser nad John Kosner share how fans will watch sports in the future," Sports Broadcast Journal (Apr. 22, 2021)		403; 602; 802			
PX443	Ed Desser, "Weathering Climate Change in Sports Media," LinkedIn (Sept. 21, 2015)					
PX444	Fox Corporation, "Earnings Release for the Quarter Ended March 31, 2024" (May 8, 2024)		401/402; 403; 602; 802; 805			
PX445	Fox Investor Day Transcript (May 9, 2019)					
PX446	John Ourand, "Sports Media: Fox Sports consults Big Ten in media rights negotiations," Sports Business Journal (Apr. 18, 2022)		106; 403; 602; 802; 805; 1002			
PX447	Letter from U.S. Reps. J. Nadler and J. Castro to B. Iger, L. Murdoch, and D. Zaslav re. proposed sports streaming joint venture (Apr. 16, 2024)		602			
PX448	Letter from U.S. Reps. J. Nadler and J. Castro to B. Iger, L. Murdoch, and D. Zaslav re. response to April 16 letter (June 7, 2024)					

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PX449	Status Conference Hearing Transcript (July 25, 2024)	901	403; 602; 802; 805			
PX450	Slide titled: Big Ten football games available on live pay TV services (2023-24)	901	602; 802; 1006			
PX451	Supplemental Expert Declaration of Jonathan Orszag		602			
PX452	The Walt Disney Company, "The Walt Disney Company Reports Second Quarter and Six Months Earnings for Fiscal 2024" (May 7, 2024)		401/402; 403; 602; 802; 805			
PX453	Updated Expert Declaration of James Trautman		401/402; 602		8/12	Seal
PX454	Updated Expert Declaration of Jonathan Orszag		401/402; 602; 802		8/8	Seal
PX455	Warner Bros. Discovery, "Warner Bros. Discovery, Inc. Reports First Quarter 2024 Earnings Results" (May 9, 2024)		106; 403; 602; 802; 805; 1002			
PX456	Email from J. Lancer to P. Cheesbrough et al. re. Raptor - remaining exec level issues				8/12	Seal
PX457	Email from D. Fox to J. Lancer re. Eagle Comments					
PX458	Email from A. Reiss to C. Neal et al. re. Project Raptor Antitrust Call - Agenda Items					
PX459	Email from M. Dugan to A. Verveer et al. re. Project Raptor Talking Points + Q&A					
PX460	Email from J. Connolly to C. LaPlaca et al. re. Charter IR deck				8/9	Seal
PX461	Intentionally Omitted					
PX462	Intentionally Omitted					

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PX463	Intentionally Omitted					
PX464	Intentionally Omitted					
PX465	Intentionally Omitted					
PX466	Draft email forwarding email from R. Blood to R. Nelson et al. re. DIRECTV/TWDC Renewal Term Sheet				8/9	Seal
PDX 001-034	Fubo Opening Demonstrative			8/6	8/12	Redactions Proposed
PDX 101-105, 107-124	J. Trautman Demonstrative			8/6	8/12	Seal
PDX 201-202	D. Gandler Demonstrative			8/6	8/12	
PDX 301-306	T. Mathers Demonstrative			8/6	8/12	Seal
PDX 401-405	S. Marchesano Demonstrative			8/7	8/12	Seal
PDX 501-516	A. Horihuela Demonstratives				8/8	Seal
PDX 601-612	J. Janedis Demonstratives				8/8	Seal
PDX 701-714	J. Orszag Demonstratives				8/8	Seal
PDX 901-1020	Fubo Closing Demonstrative				8/12	Redactions Proposed
DX001	Yahoo! Finance article, "fuboTV Inc. (FUBO): Historical Data"				8/12	

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX002	CNBC article, "FuboTV CEO David Gandler thinks 5 million people could subscribe to its bundle of TV networks by 2026"		Hearsay; 401/402; 403		8/6	
DX003	Business Insider article, "FuboTV insiders describe how its 'doomed' sportsbook collapsed in a year--and what it means for the future of the streaming company"		Hearsay; 401/402; 403		8/12	
DX004	Fool.com article, "fuboTV Stock Is Tumbling Because It's a Terrible Business"	901/902	Hearsay; 401/402; 403		8/6	
DX005	Nasdaq article, "3 Reasons to Avoid fuboTV Stock"	901/902	Hearsay; 401/402; 403		8/6	
DX006	Letter to D. Gandler re: Clean Slate Agreement (Exhibit 2 of Declaration of J. Wesley Earnhardt in Support of Disney's Motion to Dismiss [dkt. 130-2]					
DX007	Los Angeles Times article, "Disney and Charter end blackout, returning ESPN and ABC to Spectrum TV "		Hearsay			
DX008	Sports Business Journal article, "YES, MSG partner for new GAME streaming offering"		401/402			
DX009	Fubo article, "Statement From Fubo Regarding Sports Streaming JV"				8/6	
DX010	The Streamable article, "How Joint Venture Sports Streamer From Disney, Fox and Warner Bros. Discovery Points to Streaming's Possible Future"		Hearsay			
DX011	Form 10-K, EchoStar		Hearsay			
DX012	The Motley Fool article, "Fubo FYQ4 2023 Earnings Call Transcript"				8/6	
DX013	Fubo Form 10-K FY 2023				8/6	
DX014	Yahoo Finance article, "EchoStar Corporation (NASDAQ:SATS) Q4 2023 Earnings Call Transcript"		Hearsay			
DX015	Initial Pretrial Conference Transcript		Hearsay; 401/402			

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DX016	Sports Business Journal article, "Many possibilities for NBA rights as market opens"					
DX017	The Hollywood Reporter article, "FuboTV Drops to 1.5M North American Subscribers in First Quarter"		Hearsay; 401/402; 403			
DX018	Fubo article, "Fubo - Governance - Management Team: David Gandler"	901/902				
DX019	List of Channels from Fubo's Website				8/6	
DX020	Reuters article, "NBA finalizes \$76 bln broadcasting deal with Disney, Amazon, Comcast, the Athletic reports"		Hearsay			
DX021	Expert Declaration of Edwin S. Desser				8/12	Seal
DX022	Rebuttal Expert Declaration of Michael D. Whinston, PHD				8/12	Seal
DX023	Plaintiffs' Third Supplemental Responses and Objections to Disney Defendants' First Set of Interrogatories					
DX024	Inflow/Outflow Research May Results Deck	901/902	Lack of Foundation; Hearsay			
DX025	Weekly Market & Competitive Insights Deck	901/902	Lack of Foundation; Hearsay			
DX026	Weekly Market & Competitive Insights Deck	901/902	Lack of Foundation; Hearsay			
DX027	Weekly Market & Competitive Insights Deck	901/902	Lack of Foundation; Hearsay			
DX028	Service and Platform Requirement Excel	901/902	Lack of Foundation; Hearsay			
DX029	DirecTV and Viacom - Affiliation Agreement					

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DX030	Agreement between AT&T and American Movie Classic Company LLC, Women's Entertainment LLC, The Independent Film Channel LLC, Sundance Channel LLC	901/902				
DX031	Agreement between AT&T and New Video Channel America, LLC	901/902				
DX032	Agreement between DIRECTV, LLC and AMC Network Entertainment LLC, IFC TV LLC, Sundance TV LLC, WE TV LLC, and New Video Channel America, LLC	901/902				
DX033	Agreement between DIRECTV, LLC and AMC Network Entertainment LLC, IFC TV LLC, Sundance TV LLC, WE TV LLC, and New Video Channel America, LLC	901/902				
DX034	Agreement between DIRECTV, LLC and AMC Network Entertainment LLC, IFC TV LLC, Sundance TV LLC, WE TV LLC, and New Video Channel America, LLC	901/902				
DX035	Amendment to 9/1/2020 Agreement between DIRECTV, LLC and AMC Network Entertainment LLC, IFC TV LLC, Sundance TV LLC WE TV LLC, and New Video Channel America, LLC	901/902				
DX036	Agreement between AT&T and Bloomberg L.P.	901/902				
DX037	Agreement between AT&T and Bloomberg L.P.	901/902				
DX038	Amendment to Bloomberg Television MVPD Affiliation Agreement	901/902				
DX039	Amendment to 1/13/2006 Agreement between AT&T and Bloomberg L.P.	901/902				
DX040	Amendment to 1/1/2008 Agreement between AT&T and Bloomberg L.P.	901/902				
DX041	Amendment to 1/1/2008 Agreement between AT&T and Bloomberg L.P.	901/902				
DX042	Fifth Amendment to Short-Form Agreement					
DX043	Email from D. Wong to D. Espinosa and T. Najera re: Falcon market rates		Hearsay			

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August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX044	Email from D. Espinosa to J. Nallen, et al. re: A debate		Hearsay; 106			
DX045	Amendment to Affiliation Agreement					
DX046	Amendment between Fox B10 Channel Partner, Inc. and CSC Holdings, LLC					
DX047	Amendment to Fox News Channel and Fox Business Network Affiliation Agreements					
DX048	Fox-Charter Letter Agreement					
DX049	2020 Term Sheet					
DX050	Fox-DIRECTV Renewal Term Sheet					
DX051	Citizens Telecom Service Co dba Frontier Communications Global Affiliation Agreement (10-24-14)					
DX052	FuboTV Media, Inc. - Second Amendment to Affiliation Agreement				8/8	Seal
DX053	Affiliation Agreement between Fubo and Fox					
DX054	First Amendment to Affiliation Agreement between Fubo and Fox					
DX055	Second Amended and Restated Affiliation Agreement between Fox and Hulu					
DX056	First Amendment to Global Master Affiliation Agreement between Fox and NCTC					
DX057	Affiliation Agreement between Fox and Puerto Rico Telephone Company					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX058	Fox Financial Snapshot Excel		Lack of Foundation; Hearsay			
DX059	Email from J. Nallen to G. Brown re: MS Q&A For Review, with attachment		Hearsay			
DX060	E-mail from D. Espinosa to R. Thun, et al. re: Thank you!		Hearsay			
DX061	Email from D. Espinosa to H. Nguyen and J. Fang re: Raptor Rates, with attachment		Hearsay			
DX062	Email from J. Lutzky to D. Espinosa and J. Fang re: Fubo June Subs		Hearsay; 403			
DX063	Email from D. Espinosa to J. Nallen re: DIRECTV "No Locals" Announcement		Hearsay			
DX064	Email from L. Murdoch to J. Nallen re: Directv		Hearsay			
DX065	Project Zenith Research Overview Slide Deck		Hearsay			
DX066	Fox Sunday NFC Package Term Sheet		Hearsay; 401/402; 403			
DX067	Email from J. Nallen to D. Martin re: 2/28 Update, with attachment		Hearsay		8/8	Seal
DX068	Email from D. Espinosa to J. Lancer, et al. re: Initial notes for Raptor discussion		Hearsay			
DX069	Email from P. Distad to T. Connolly, et al re: Next steps on rates		Hearsay			
DX070	Venu Firewall Policy for Third Party Competitively Sensitive Information		Hearsay		8/7	Seal
DX071	Email from T. Mathers to S. Miller re: WBD - Fubo Discussion Points Draft, with attachment					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX072	Email from S. Marchesano to T. Mathers re: Turner / Discovery Sub Scenarios					
DX073	Email from T. Mathers to J. Sweetwood re: Updated Overview Deck, with attachments					
DX074	Email from S. Miller to T. Mathers re: Fubo/Turner nets					
DX075	Email from J. Janedis to T. Mathers re: Disney		401/402; 403			
DX076	Email from S. Miller to T. Mathers re: Fubo/Turner nets					
DX077	Email from L. Morrissey to T. Mathers re: Disney Renewal					
DX078	Email from T. Mathers to L. Morrissey re: Disney Renewal, with attachments					
DX079	Email from T. Mathers to P. O'Connell re: follow-up					
DX080	Email from T. Mathers to P. O'Connell re: Kagan Numbers					
DX081	Email from T. Mathers to P. O'Connell re: Kagan numbers, with attachment					
DX082	Email from S. Marchesano to T. Mathers re: Kagan numbers, with attachment					
DX083	Email from T. Mathers to M. Elizondo and S. Marchesano re: Disney Renewal					
DX084	Email from T. Mathers to J. Sweetwood re: Disney Competitive Analysis Deck, with attachment					
DX085	Email from T. Mathers to L. Morrissey re: Disney Proposal					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX086	Email from M. Elizondo to T. Mathers re: Turner/Discovery					
DX087	Email from M. Berkley to D. Gandler re: Barclays: Why Bundles May Not Be Effective in Video Streaming					
DX088	Email from M. Berkley to D. Gandler re: Barclays: Why Bundles May Not Be Effective in Video Streaming					
DX089	Email from A. Horihuela to Fubo Team re: What's a SupAg?, with attachment					
DX090	FuboTV Strategic Context and Approach Deck					
DX091	First Views (2021-2024) by Sports vs. Non-Sports Excel					
DX092	Email from T. Mathers to D. Gandler and A. Horihuela re: WBD vs. NBCU Scenario Slides					
DX093	Email from T. Mathers to J. Shin re: WBD vs. NBCU Scenario slides, with attachment					
DX094	Email from S. Miller to T. Mathers re: fubo/WBD, with attachment				8/9	Seal
DX095	Email from B. Grad to S. Marchesano re: Fubo/Flames/Oilers @ Tue, Nov 14, 2023 5:30pm-6:00pm (GMT-05), with attachments					
DX096	Fubo Investor Day Talking Points - Content - Talk Track					
DX097	Email from A. Padte to A. Sternberg re: Q1 Shareholder Outline to Guide Tomorrow's Discussion, with attachment				8/12	Seal
DX098	Email from A. Padte to J. Janedis re: 2Q/FY24 Guidance Draft (April 16, 2024), with attachment				8/12	Seal
DX099	Email from B. Varma to J. Janedis and D. Gandler re: Analyst Estimates Revisions - Post 4Q23, with attachment				8/12	

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX100	Email from J. Shin to A. Horihuela re: Bridge to Profitability / Operational Metrics - Draft for review, with attachment					
DX101	Email from A. Padte to J. Janedis and A. Sternberg re: fubo Transcripts - 4Q22 and 1Q23, with attachments					
DX102	Email from A. Horihuela to Y. Wang re: INPUT NEEDED // Re: WBD Max NBA Playoffs 4/16-6/3 FuboTV RFP					
DX103	Email from A. Horihuela to I. Josephson, et al. re: Subscriber Pacing [Feb, 2024], with attachment					
DX104	Email from Y. Wang to A. Horihuela re: Fubo ◊ Antenna Follow Up					
DX105	Email from B. Grad to A. Horihuela re: The state of things					
DX106	Email from A. Horihuela to D. Gandler re: Bridge to Profitability / Operational Metrics - Draft for review, with attachment					
DX107	Email from D. Gandler to M. Berkley and A. Horihuela re: CBS streaming 30 fps issue for 2+ years		Hearsay; 403			
DX108	Email from D. Gandler to A. Horihuela re: B&T Budget for 2023					
DX109	Email from J. Blanc to A. Horihuela re: Risk Mitigation on the Path to Profitability		Hearsay			
DX110	Email from A. Horihuela to Fubo Management re: Risk Mitigation on the Path to Profitability					
DX111	Email from A. Horihuela to Y. Wang re: Offsite Pre-Read - This is misleading since we don't eve...					
DX112	Email from Y. Wang to C. Savio and C. Voight re: Mariners & Fubo Followup, with attachment		602			
DX113	Email from B. Grad to A. Horihuela re: Risk Mitigation on the Path to Profitability					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX114	Email from J. Sweetwood to B. Grad re: Freemium Offsite Deck, with attachment					
DX115	Research Report Topic: OTT & Sports: Services and Strategies for Growth Industry Report	901/902	Hearsay; 602			
DX116	SVP Strategic Partnerships Press Release					
DX117	Instant Messages, April 6, 2024				8/12	Seal
DX118	Instant Messages, July 13, 2023					
DX119	Instant Messages, January 10, 2024				8/8	Seal
DX120	Instant Messages, May 18, 2023					
DX121	Instant Messages, February 26, 2024					
DX122	Instant Messages, May 5, 2023					
DX123	Instant Messages, May 22, 2023					
DX124	Instant Messages, August 18, 2023				8/8	
DX125	Instant Messages, August 1, 2023					
DX126	Instant Messages, December 20, 2023					
DX127	Instant Messages, January 3, 2024					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX128	Instant Messages, April 25, 2024					
DX129	Instant Messages, April 24, 2023					
DX130	Instant Messages, February 6, 2024					
DX131	Instant Messages, February 19, 2024				8/7	Seal
DX132	Instant Messages, April 12, 2024					
DX133	Fubo Content Overview Deck				8/6	
DX134	Fubo 2023-Present Content Overview Excel Spreadsheet					
DX135	Offsite Pre-Read: What's Next?					
DX136	Fubo Board Meeting Slide Deck					
DX137	NBCUniversal Distribution Agreement					
DX138	Charge!/TBD/The Nest - Fubo Binding Term Sheet					
DX139	YES Network/Fubo Term Sheet					
DX140	POP Network Digital Simulcast Agreement "POP Network OTT and VOD Agreement"				8/12	Seal
DX141	CBS Sports Network Digital Simulcast Agreement					

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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX142	Smithsonian Networks Service Agreement for Internet Distribution				8/12	Seal
DX143	Viacom Media Networks/fuboTV Binding Term Sheet				8/7	Seal
DX144	Distribution Agreement					
DX145	Ninth Amendment to Distribution Agreement (TelevisaUnivision)					
DX146	Thirteenth Amendment to Distribution Agreement (TelevisaUnivision)				8/12	Seal
DX147	Letter from E. McIlvain to B. Grad re: Over-the-top distribution terms				8/7	Seal
DX148	Second Amendment to Amended and Restated Letter Agreement				8/7	Seal
DX149	Content Distribution Agreement between FuboTV, Inc. and Newsmax Broadcasting, LLC					
DX150	Email from A. Horihuela to Fubo General Assembly re: The state of things, with attachment					
DX151	Email from E. Gerson to A. Horihuela re: NBC/turner					
DX152	Email from P. O'Connell to T. Mathers re: Disney open issues list					
DX153	Email from T. Mathers to A. Horihuela, et al. re: NBC/turner					
DX154	Email from A. Horihuela to T. Mathers re: NBC/turner strategy					
DX155	Email from A. Horihuela to D. Gandler re: Sorry for length...				8/8	

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX156	Email from WBD Affiliate Relations to T. Mathers re: Notice of Extension Option, with attachment				8/9	
DX157	Email from T. Mathers to A. Horihuela re: NBC/turner strategy					
DX158	Email from A. Horihuela to T. Mathers re: Presentation shared with you: "Offsite", with attachment					
DX159	Email from T. Mathers to D. Gandler, et al. re: Revised Disney Draft, with attachments				8/7	Seal
DX160	Email from T. Mathers to G. Sheldon re: Revised Disney Agreement, with attachments					
DX161	Affiliate Agreement with Turner Network Sales, Inc.				8/6	Seal
DX162	Email from S. Miller to T. Mathers re: Proposed WBD Term Sheet		Hearsay			
DX163	Email from A. Padte to J. Shin re: Latest FY24 Budget Deck, with attachment				8/12	Seal
DX164	Email from A. Horihuela to E. Renard, et al. re: Weekly KPI Update - 03/04/2024 (Feb-24 Preliminary Recap)					
DX165	Email from J. Press to A. Horihuela re: DRAFT Q4 FY 2023 DG SCRIPT					
DX166	Email from Y. Wang to E. Gerson re: Fwd: Fwd: PBS Findings					
DX167	Email from J. Janedis to D. Gandler re: Investor Day Deck Attached, with attachments					
DX168	Instant Messages, September 28, 2023				8/8	
DX169	Instant Messages, February 7, 2024					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX170	Instant Messages, February 20, 2024					
DX171	Email from J. Reyna to M. Elizondo re: Disney open issues list					
DX172	Email from T. Mathers to S. Marchesano, et al. re: renewal					
DX173	Email from J. Janedis to T. Mathers re: DEMN Renewal, with attachment					
DX174	Email from J. Press to J. Press (BCC'ing fubotv@fubo.tv) re: Fubo Media Policy and Messaging Documents, with attachments					
DX175	Email from T. Mathers to S. Miller re: Privileged: Proposed WBD Term Sheet, with attachment					
DX176	Email from A. Sternberg to E. Bronfman, et al. re: FUBO Q4 2023 Analyst Comments Highlights, with attachments		Hearsay			
DX177	Paramount Global FuboTV Media Inc. Cable Services Binding Term Sheet				8/7	Seal
DX178	Distribution Agreement between NBCUniversal and FuboTV				8/12	Seal
DX179	Amendment No. 2 to Fubo TV Letter Agreement for Distribution of GSN				8/7	Seal
DX180	Fubo TV Letter Agreement for Distribution of GSN					
DX181	Content Distribution Agreement between FuboTV, Inc. and CPE US Networks III Inc.					
DX182	First Amendment to Content Distribution Agreement		Hearsay			
DX183	Email from M. Bravo to J. Connolly, et al. re: Fubo Q3'23 Earnings Update, with attachment (Fubo Q3'23 Earnings Update)		Hearsay			

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX184	Email from S. Flood to L. Morrissey, et al. re: Revised Disney Agreement- FUBO, with attachments					
DX185	Email from S. Flood to L. Morrissey, et al. re: Revised Disney Agreement- FUBO, with attachments					
DX186	Email from E. Greenberg to M. McDonnell, et al. re: Fubo - TWDC 7/14 Proposal Summary, with attachment					
DX187	Email from S. Breen to J. Connolly re: Fubo Renewal Update - 6.8 Proposal, with attachments		Hearsay			
DX188	Email from J. Connolly to J. Zasowski and S. Breen re: Industry Update: Citi Research - Linear Sports Tier, with attachment	901/902	Hearsay; 602			
DX189	Email from S. Breen to S. Flood re: Revised Disney draft, with attachments					
DX190	Email from S. Corrigan to J. Connolly re: Fubo Deal Announcement - Executive Summary		Hearsay		8/9	Seal
DX191	Email from C. Aguiar to J. Nallen and J. Pitaro re: Potential Partnership		Hearsay		8/7	Seal
DX192	ESPN/Fox - Key Distribution Principles		Hearsay			
DX193	Email from J. Connolly to D. Fox re: MVPD Negotiations Review with Alan, with attachment		Hearsay			
DX194	Email from J. Pitaro to S. Swartz re: Raptor release, with attachment		Hearsay			
DX195	Email from C. Aguiar to J. Pitaro re: Bullets for Fox Meeting + Additional Reading, with attachments	901/902	Hearsay; 602			
DX196	Email from J. Pitaro to B. Patel re: Industry Update: Morgan Stanley - The Big, Skinny, Sports Bundle, with attachments	901/902	Hearsay; 602			
DX197	Term Sheet between Charter and Disney ("2023 Omnibus Term Sheet")					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX198	Distribution License Agreement between DIRECTV, AT&T and ESPN					
DX199	License Agreement between TWDC and DISH			8/9	8/12	Seal
DX200	Amendment No. 1 to Specified 4K Content Term Sheet					
DX201	Draft Raptor Content License Standard Distribution Terms					
DX202	Email from R. Blood to R. Thun, et al. re: TWDC/DIRECTV Renewal Term Sheet, with attachment			8/9	8/12	Seal
DX203	Email from A. Rosenberg to P. O'Connell, et al. re: TWDC counter - complete agreement, with attachments	901/902	Hearsay; 602	8/9	8/12	Seal
DX204	Email from S. Flood to J. Connolly re: David Gandler (Fubo) 6.29 Meeting Prep Deck, with attachments		Hearsay			
DX205	Charter Term Sheet A			8/9	8/12	Seal
DX206	Email from L. Morrissey to G. Rigdon, et al. re: Comcast Offer and Proposal, with attachments			8/9	8/12	Seal
DX207	Email from L. Morrissey to J. Smith and F. Kurath re: Disney-Comcast Live TV Tier Proposal, with attachment			8/9	8/12	Seal
DX208	Spectrum TV Stream agreement			8/9	8/12	Seal
DX209	Email from J. Connolly to J. Saltman, et al. re: David Gandler (Fubo) 6.29 Meeting Prep Deck		Hearsay			
DX210	Email from A. LeBerge to C. Aguiar re: Fox and turner call		Hearsay		8/7	Seal
DX211	Email from J. Warbrooke to J. Pitaro, et al. re: IN PERSON: Project Evolution (& other transactions) Update with Bob, with attachment					

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX212	DirecTV Term Sheet			8/9	8/12	Seal
DX213	Email from B. Campbell to D. Fox re: Director's Note: Fox/ESPN JV		Hearsay			
DX214	Email from P. Lee to D. Zaslav, et al. re: Another Raptor Analysis, with attachment		Hearsay; 602			
DX215	Email from D. Fox to P. Lee re: Raptor, with attachment		Hearsay; 602			
DX216	Email from S. Miller to T. Mathers re: fubo/WBD					
DX217	Email from S. Miller to B. Campbell re: fubo/WBD		Hearsay			
DX218	Email from S. Miller to B. Campbell and D. Zaslav re: Charter		Hearsay			
DX219	Email from S. Miller to S. Duncan re: PRINTING, with attachments		Hearsay			
DX220	Email from J. Cross to T. Mathers and G. Sheldon re: Agreements, with attachments					
DX221	Email from B. Campbell to G. Wiedenfels, et al. re: MM		Hearsay			
DX222	Email from D. Fox to J. Nallen, et al. re: Raptor Business Model Deck, with attachment		Hearsay		8/9	Seal
DX223	Email from M. Dugan to S. Sims, et al. re: Raptor TS - Executed, with attachments		Hearsay			
DX224	Email from S. Miller to B. Campbell re: WBD - Fubo Discussion Points Draft, with attachment				8/9	
DX225	Email from J. Perrette to B. Campbell et al. re: 1-Pager on Scope/Focus		Hearsay			

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
August 23, 2024

Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DX226	Raptor P&L Excel		Hearsay			
DX227	OTT Distribution Agreement				8/6	Seal
DX228	Letter from G. Saverhoff to B. Grad re: New Subscriber Promotion and Upgrade Promotion					
DX229	First Amendment to OTT Agreement				8/6	Seal
DX230	Extension Agreement to OTT Distribution Agreements					
DX231	Extension Agreement to OTT Distribution Agreements					
DX232	2023 Term Sheet Amendment					
DX233	Email from T. Mathers to S. Miller re: Privileged: Proposed WBD Term Sheet, with attachment				8/9	
DX234	Email from S. Miller to T. Mathers re: Fubo/Turner nets				8/9	Seal
DX235	Email from S. Miller to T. Mathers re: Renewal				8/9	
DX236	J. Connolly Summary Exhibit				8/9	Seal
DDX 01.1-1.38	Defense Opening Demonstrative			8/6	8/12	Redactions Proposed
DDX 02.1-2.2	Mathers Cross Demonstrative			8/6	8/12	Seal
DDX 03.1	Marchesano Cross Demonstrative			8/7	8/12	Seal

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Parties' Proposed Confidentiality Redactions of Admitted Exhibits
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Exhibit Number	Description	Authenticity Objection	Admissibility Objection	Date Identified	Date Admitted	Confidential Designation
DDX 04.1-4.5	Horihuela Cross Demonstrative			8/8	8/12	Seal
DDX 05.1-5.10	Desser Direct Demonstrative			8/8	8/12	
DDX 06.1-6.2	Connolly Direct Demonstrative			8/9	8/12	Seal
DDX 08.1-8.25	Whinston Direct Demonstrative			8/9	8/12	Seal
DDX 10.1-10.9	Schanman Cross Demonstrative			8/7	8/12	
DDX 11.1-11.81	Defense Closing Demonstrative				8/12	Redactions Proposed

COURT EXHIBIT 3

fuboTV, Inc., et al. v. The Walt Disney Company, et al.

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Parties' Proposed Confidentiality Redactions of PI Hearing Transcripts

SO ORDERED. Dated August 26, 2024.

August 23, 2024



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE

PI Hearing Transcript – 08/06/2024
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202:1 – 202:3
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205:8 – 205:12
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231:23 – 232:2
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238:25 – 239:8
239:11 – 239:25

PI Hearing Transcript – 08/06/2024
Parties' Proposed Redactions
240:10 – 240:15
241:1 – 241:4
241:8 – 241:17

PI Hearing Transcript – 08/07/2024
Parties' Proposed Redactions
254:5 – 254:19
255:1 – 255:20
256:8 – 257:19
258:11 – 258:19
258:24 – 259:7
259:13 – 259:24
260:3 – 260:8
260:15 – 260:16
261:12 – 261:13
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274:3 – 274:10
274:19 – 274:21
275:7 – 276:13
276:24 – 278:11
279:18
316:9 – 316:15
338:24 – 339:1
339:9 – 339:11
339:15 – 339:24
340:1 – 340:18
340:25 – 341:11
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COURT EXHIBIT 4

suboTV, Inc., et al. v. The Walt Disney Company, et al.

Case No.: 24-cv-01363-MMG

Parties' Proposed Confidentiality Redactions of Deposition Designations

SO ORDERED. Dated August 26, 2024.

August 23, 2024



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE

Peter Distad Deposition Designations

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